



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 20, 1998

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P.O. Box 1546  
Austin, Texas 78767-1546

OR98-0506

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113323.

The Austin Police Department (the "department") received two requests for information concerning a fatal traffic accident. As for one of the requests, you state that the department has released certain information. You assert that the remaining information requested is excepted from required public disclosure based on sections 552.103 and 552.108 of the Government Code.

Section 552.108 of the Government Code reads in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the requested information pertains to a pending criminal investigation. We therefore believe that you have established that the release of the requested information would interfere with the detection, investigation, or prosecution of crime. Section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, with the exception of the basic information, the department may withhold the information from the requestors based on section 552.108(a)(1) of the Government Code.<sup>1</sup>

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref.: ID#113323

Enclosures: Submitted documents and tapes

cc: Mr. Jim McNabb  
Assignments Manager  
KXAN-TV 36  
P.O. Box 490  
Austin, Texas 78767  
(w/o enclosures)

Ms. Claire Osborn  
Metro Reporter  
Austin American-Statesman  
P.O. Box 670  
Austin, Texas 78767  
(w/o enclosures)

---

<sup>1</sup>Nor is section 552.103 applicable to front page offense report information. See Open Records Decision No. 362 (1983).